



IFW/AF
PATENT APPLICATION A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Schaefer

EXAMINER: Griffin, W.

SERIAL NO.: 09/669,400

GROUP: 1764

FILED: September 22, 2000

CASE NO.: 52647-1

ENTITLED: Process for Treating Waste Oil

Frederick Schaefer
1012 Zamora Circle
Colorado Springs, CO 80910

September 23, 2004

Fees Enclosed

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

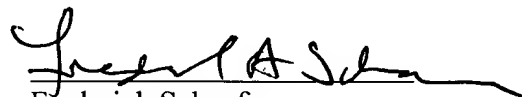
Sir:

4 A Three Month Extension Fee For A Small Entity Is Enclosed (\$475.00)
X A Fee For An Information Disclosure Is Enclosed (\$180.00)

Total \$655.00

Respectfully submitted,

By



Frederick Schaefer

Inventor

Phone: (719) 390-4600



AWYERS



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

BARRY L. DAVISON
DIRECT (206) 628-7621
barrydavison@dwt.com

2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

TEL (206) 622-3150
FAX (206) 628-7699
www.dwt.com

July 26, 2001

Via Certified Mail

Mr. Abdulhaq Al-Khalidi
No. 2, 340 South Bouquet Street
Pittsburgh, PA 15213

Dear Mr. Al-Khalidi:

Please find attached hereto a copy of United States Patent Application Serial Number 09/669,400, filed on September 22, 2000, along with the corresponding international (PCT) application. The U.S. application was originally filed of behalf of Industrial Microwave Technologies, Inc. (IMT), inadvertently listing Frederick A. Schaefer as the sole inventor of the claimed subject matter. However, according to our information and belief, Mr. Schaefer is actually a *joint* inventor of the subject matter, along with you and Mr. Kingston. Accordingly, all three inventors were listed on the PCT application when it was filed on December 21, 2000.

We now request your cooperation and signature on the attached documents to enable appropriate correction of the inventorship entity of the above-identified U.S. patent application. Specifically, your signature is requested on (i) a new Declaration and Power of Attorney, and (ii) a Statement of Inventorship Error In Absence of Deceptive Intent. These signed documents will be used to file a Petition to Correct Inventorship with the United States Patent and Trademark Office (USPTO).

We request that you review the attached patent applications, and then sign and return the two attached documents at your earliest convenience, using the enclosed pre-addressed envelope.

We realize that you are also an applicant on United States Patent Application Serial Number 09/437,807, filed by Duquesne University of the Holy Ghost, claiming the same subject matter as that claimed by IMT's application. Mr. Schaefer, as you are aware, has previously asserted a claim of joint inventorship on Duquesne's application, based on his conceptual contribution to the claimed multi-step process. Unfortunately, despite our reasoned arguments, Duquesne and its agents have refused to acknowledge Mr. Schaefer's joint inventorship status. **Significantly,**



Mr. Abdulhaq Al-Khalidi
July 26, 2001
Page 2

this refusal jeopardizes the ultimate validity and enforceability of any patent issued from the Duquesne application, because the naming of the correct inventorship entity is a statutory requirement for a valid and enforceable patent.

Therefore, to protect the ownership interests of all true joint inventors, we remain committed to the successful prosecution of IMT's U.S. and international (PCT) patent applications.

If, after reviewing this request, it is your intention not to cooperate in correcting the inventive entity of IMT's patent application, please check the box below, sign thereunder, and return a photocopy of this letter using the enclosed pre-addressed envelope.

☐ I will not cooperate as per this request.

Abdulhaq Al-Khalidi

Very truly yours,

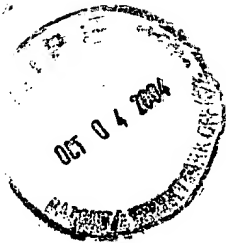
Davis Wright Tremaine LLP


Barry L. Davison

cc: Frederick A. Schaefer

Enclosures:

Declaration and Power of Attorney
Statement of Inventorship Error
Copy of U.S. Patent Application
Copy of PCT Patent Application
Return envelope



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Abdulhaq Al-Khalidi
No. 2, 340 South Bouquet Street
Pittsburgh, PA 15213

COMPLETE THIS SECTION ON DELIVERY

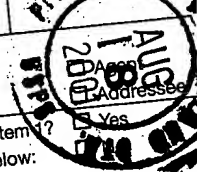
A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X *Amal*

D. Is delivery address different from item 1?
If YES, enter delivery address below:



3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail

- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0520 0012 6934 0287

Domestic Return Receipt

102595-00-M-0952

PS Form 3811, July 1999

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

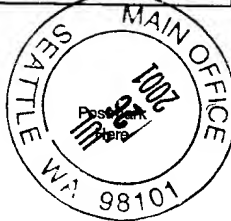
(Domestic Mail Only; No Insurance Coverage Provided)

EIPT

Insurance Coverage Provided)

7000 0520 0012 6934 0287

Postage	\$ 2.41
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.01



52647-2

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Abdulhaq Al-Khalidi

Street, Apt. No., or PO Box No.
No. 2, 340 S. Bouquet St.

City, State, ZIP+4
Pittsburgh, PA 15213

(Clearly) (To be completed by mailer)
di

quet St.

5213

PS Form 3800, February 2000

See Reverse for Instructions

See Reverse for Instructions



AWYERS



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

BARRY L. DAVISON
DIRECT (206) 628-7621
barrydavison@dwt.com

2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

TEL (206) 622-3150
FAX (206) 628-7699
www.dwt.com

August 22, 2001

Via Certified Mail

Mr. Abdulhaq Al-Khalidi
No. 2, 340 South Bouquet Street
Pittsburgh, PA 15213

Re: U.S. Patent Application Serial No. 09/669,400 for
PROCESS FOR TREATING WASTE OIL

Dear Mr. Al-Khalidi:

Your receipt of our letter of July 26, 2001 has been confirmed to us by a "domestic return receipt" for certified mail. Because we have received no response to our request, we now follow up our letter of July 26, 2001 by again requesting your cooperation in signing and returning the two forms which were enclosed with that letter so that we can proceed with the change of inventorship in the above-captioned patent application.

We remain committed to the successful prosecution of U.S. and international (PCT) patent applications that will result in valid and enforceable patents that list all the joint inventors. We understand that Duquesne has abandoned its applications based on the same subject matter.

If, after reviewing this further request, we receive no response from you within 10 business days from the date of this letter, we will interpret such lack of response as a final indication of your intent not to cooperate in this matter and proceed with the change of inventorship despite your recalcitrance. Should you need additional forms, please let me know.

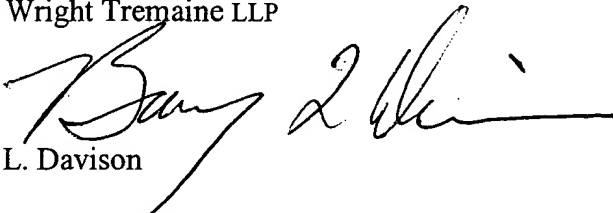


Mr. Abdulhaq Al-Khalidi
August 22, 2001
Page 2

We would appreciate your cooperation and thank you in advance.

Very truly yours,

Davis Wright Tremaine LLP


Barry L. Davison

cc: Frederick A. Schaefer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Abdulhaq Al-Khalidi
No. 2, 340 South Bouquet Street
Pittsburgh, PA 15213

2. Article Number (Copy from service label)
7000 1670 0010 9179 3467

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *Signature*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

52647-2
Davison

Domestic Return Receipt

102595-00-M-0952

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



52647-2

7000 1670 0010 9179 3467
7000 1670 0010 9179 3467

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Sent To

Mr. Abdulhaq Al-Khalidi

Street, Apt. No., or PO Box No.

No. 2, 340 South Bouquet Street

City, State, ZIP+4

Pittsburgh, PA 15213

PS Form 3800, May 2000

See Reverse for Instructions

340 S. Bouquet St, #2
Pittsburgh, PA 15213

Barry L. Davison, Esq.
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

8/25/2001

Fritz Shaefer Patent Matters

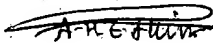
Dear Mr. Davison,

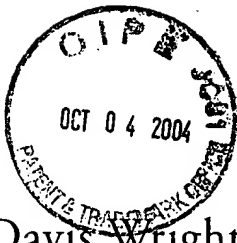
I received your letter dated July 26, 2001 and became very disturbed and disappointed in the actions taken by Mr. Shaefer as they involve me. When he first met me at Duquesne University, he had no knowledge of the application of my discovered intellectual property - continuous supercritical fluid extraction process in its application to the purification of used oil. Upon reading the patent application, I learned to my complete disappointment that he has taken my property, combined it with whatever he learned from Dr. Kingston also while at Duquesne and whatever he knew about the microwave process, into a new invention, which he thereafter filed for a patent.

Without my consent, authority, or permission, Mr. Shaefer thereafter filed for an international patent (PCT) a copy of which you also enclosed with the U.S. Patent application, and put my name on it as a co-inventor. I am shocked at the audacity of the action and the fraudulent misrepresentation to the international office where it was filed or published on June 28, 2001 that I was a co-inventor when I clearly had nothing to do with the matter other than the fact that he absconded with my intellectual property.

Not only will I not cooperate with any attempt to correct the record with the U.S. Patent office, but, I am considering what else I must do to set the record straight. I suggest for starters that you correct the record with the international office and remove my name from that filing and show me that you did it. Second, I next suggest that the other application be amended to remove any reference to my invention. To say that he wants to correct the inventorship by adding names does not do it. Do you recommend that I contact the office and ask what should be done to remove any references to my invention? From what I remembered, Mr. Shaefer breached the Creda that he signed while at Duquesne. Any interference with my intellectual property will be met by whatever opposition I can muster that is lawfully correct. I certainly do not object to his going forward with a corrected application showing his own idea without any reference to me or to my invention. So I will not cooperate with your request and will not sign any of the papers that you sent to me and expect you to do the right thing as discussed above and send me something to prove that you did it. Let me know if you want me to write to these offices instead.

Regards,


A. E. Al-Khalidi, Ph.D.



AWYERS



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

BARRY L. DAVISON DIRECT (206) 628-7621 barrydavison@dwtd.com	2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688	TEL (206) 622-3150 FAX (206) 628-7699 www.dwt.com
--	---	---

July 26, 2001

Via Certified Mail

Mr. Howard M. Kingston
680 Union Avenue
Pittsburgh, PA 15229

Dear Mr. Kingston:

Please find attached hereto a copy of United States Patent Application Serial Number 09/669,400, filed on September 22, 2000, along with the corresponding international (PCT) application. The U.S. application was originally filed of behalf of Industrial Microwave Technologies, Inc. (IMT), inadvertently listing Frederick A. Schaefer as the sole inventor of the claimed subject matter. However, according to our information and belief, Mr. Schaefer is actually a *joint* inventor of the subject matter, along with you and Mr. Al-Khalidi. Accordingly, all three inventors were listed on the PCT application when it was filed on December 21, 2000.

We now request your cooperation and signature on the attached documents to enable appropriate correction of the inventorship entity of the above-identified U.S. patent application. Specifically, your signature is requested on (i) a new Declaration and Power of Attorney, and (ii) a Statement of Inventorship Error In Absence of Deceptive Intent. These signed documents will be used to file a Petition to Correct Inventorship with the United States Patent and Trademark Office (USPTO).

We request that you review the attached patent applications, and then sign and return the two attached documents at your earliest convenience, using the enclosed pre-addressed envelope.

We realize that you are also an applicant on United States Patent Application Serial Number 09/437,807, filed by Duquesne University of the Holy Ghost, claiming the same subject matter as that claimed by IMT's application. Mr. Schaefer, as you are aware, has previously asserted a claim of joint inventorship on Duquesne's application, based on his conceptual contribution to the claimed multi-step process. Unfortunately, despite our reasoned arguments, Duquesne and its agents have refused to acknowledge Mr. Schaefer's joint inventorship status. **Significantly,**

Mr. Howard M. Kingston
July 26, 2001
Page 2



this refusal jeopardizes the ultimate validity and enforceability of any patent issued from the Duquesne application, because the naming of the correct inventorship entity is a statutory requirement for a valid and enforceable patent.

Therefore, to protect the ownership interests of all true joint inventors, we remain committed to the successful prosecution of IMT's U.S. and international (PCT) patent applications.

If, after reviewing this request, it is your intention not to cooperate in correcting the inventive entity of IMT's patent application, please check the box below, sign thereunder, and return a photocopy of this letter using the enclosed pre-addressed envelope.

☐ I will not cooperate as per this request.

Howard M. Kingston

Very truly yours,

Davis Wright Tremaine LLP



Barry L. Davison

cc: Frederick A. Schaefer

Enclosures:

Declaration and Power of Attorney
Statement of Inventorship Error
Copy of U.S. Patent Application
Copy of PCT Patent Application
Return envelope

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Howard M. Kingston
680 Union Avenue
Pittsburgh, PA 15229

2. Article Number (Copy from service label)
7000 0520 0012 6934 0294

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *[Signature]* *7-30-01*

☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-00-M-0952

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

RECEIPT

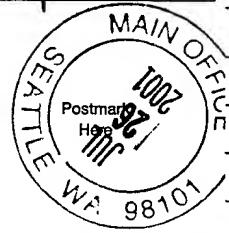
(Insurance Coverage Provided)

7000 0520 0012 6934 0294

K. Buley 52647-2

52647-2

Postage	\$ 2.41
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.01



Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Howard M. Kingston

Street, Apt. No., or PO Box No.

680 Union Avenue

City, State, ZIP+4

Pittsburgh, PA 15229

Clearly) (To be completed by mailer)

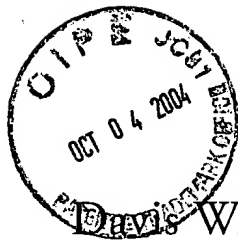
1

29

PS Form 3800, February 2000

See Reverse for Instructions

See Reverse for Instructions



AWYERS



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

BARRY L. DAVISON
DIRECT (206) 628-7621
barrydavison@dwt.com

2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

TEL (206) 622-3150
FAX (206) 628-7699
www.dwt.com

August 22, 2001

Via Certified Mail

Mr. Howard M. Kingston
680 Union Avenue
Pittsburgh, PA 15229

Re: U.S. Patent Application Serial No. 09/669,400 for
PROCESS FOR TREATING WASTE OIL

Dear Mr. Kingston:

Your receipt of our letter of July 26, 2001 has been confirmed to us by a "domestic return receipt" for certified mail. Because we have received no response to our request, we now follow up our letter of July 26, 2001 by again requesting your cooperation in signing and returning the two forms which were enclosed with that letter so that we can proceed with the change of inventorship in the above-captioned patent application.

We remain committed to the successful prosecution of U.S. and international (PCT) patent applications that will result in valid and enforceable patents that list all the joint inventors. We understand that Duquesne has abandoned its applications based on the same subject matter.

If, after reviewing this further request, we receive no response from you within 10 business days from the date of this letter, we will interpret such lack of response as a final indication of your intent not to cooperate in this matter and proceed with the change of inventorship despite your recalcitrance. Should you need additional forms, please let me know.



Mr. Howard M. Kingston
August 22, 2001
Page 2

We would appreciate your cooperation and thank you in advance.

Very truly yours,

Davis Wright Tremaine LLP



Barry L. Davison

cc: Frederick A. Schaefer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Howard M. Kingston
680 Union Avenue
Pittsburgh, PA 15229

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ AddresseeD. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes2. Article Number (Copy from service label)
7000 1670 0010 9179 376452647-2
Davison

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Barry L. Davison 21

DAVIS WRIGHT TREMAINE LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

